

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, May 15, 2006 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Brian Morales, Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Morales was sworn in as a new member of the Board of Zoning Appeals appointed by the Advisory Plan Commission.

Wood moved to approve the April 17, 2006 minutes as amended.

Spoljaric seconded, and the motion passed by voice vote.

Miller reviewed the Public Hearing Rules and Procedures.

OLD BUSINESS

Miller moved to adopt the staff's finding of facts on 0601-VS-005 and 0601-VS-006.

Wood seconded, and the motion passed 3-0-2 (Mueller, Morales).

0603-VS-026: 14641 US 31: Thomas Caccavo – Village Developer Limited Partnership: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.070-(2) to allow a drive thru at the above location.

Caccavo presented details of the variance.

Spoljaric expressed concern about the safety issue regarding the menu board and asked how the drive through would work.

A Public Hearing opened at 7:30 a.m.

Mr. Ron Thomas expressed concern about the truck delivery and the exit. He also expressed concern about the delivery trucks parked and customers exiting the drive through.

The Public Hearing closed at 7:32 p.m.

Caccavo responded to public hearing comments.

Miller moved to approve 0603-VS-026 as per plans filed.

Wood seconded, and the motion failed 2-3 (Miller, Morales, Spoljaric).

Caccavo proposed moving the menu board up closer to the building and closing the exit lane.

Miller moved to approve 0603-VS-026 as amended to close the exit only access lane and add signage indicating no exit, no through traffic, no outlet, etc.

Mueller seconded, and the motion passed 4-1 (Miller).

Wood moved to adopt staff's findings of fact.

Spoljaric seconded, and the motion passed by voice vote.

NEW BUSINESS

0605-VS-034: 1414 West 206th Street: Julia E. Savitsky: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030.b 1 to reduce the setback for a stable from two hundred (200') feet to eighty (80') feet.

0605-VS-035: 1414 West 206th Street: Julia E. Savitsky: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100.2.b.vii to allow an accessory building (stable and arena) to be larger than the residential unit in terms of height, width and size (8,725 square feet to 2,500 square feet).

Ms. Julia Savitsky presented the details of the two variance requests.

Mueller asked if the neighbors had been notified.

Savitsky responded yes and there were no concerns expressed.

Miller asked if a maximum of four horses would be an agreeable limit.

Savitsky responded yes.

Spoljaric asked about building materials and lighting.

Savitsky responded they have received quotes on a standard pole barn but have not really investigated options on building materials or lighting at this point.

Wood asked if the pasture would be subdivided.

Savitsky responded two major pastures just to keep the pasture in good condition.

A Public Hearing opened at 7:50 p.m. for both 0605-VS-034 and 0605-VS-035.

Dr. Ginny Kelleher spoke on the maximum of four horses stating that with five acres she suggested a maximum of at least six horses considering resale value.

The Public Hearing closed at 7:56 p.m.

Spoljaric moved to approve 0605-VS-34 and 0605-VS-035 with the following conditions:

1. The existing parcel will not be subdivided: and

2. Only one curb cut on 206th Street; and
3. No commercial use of the property; and
4. Maximum of six horses.

Miller seconded, and the motion passed 5-0.

Miller moved to adopt staff's findings of fact on 0605-VS-034 and 0605-VS-035.

Wood seconded and the motion passed by voice vote.

0605-VS-036: Northwest corner of 181st Street and U S 31: Mohammad Zaher: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.070.2 to allow an amusement park in the US 31 Overlay District.

0605-VS-037: Northwest corner of 181st Street and U S 31: Mohammad Zaher: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.070.2 to allow a bar/restaurant which have less than 50 percent of their proposed gross sales derived from food sales.

Zaher presented the details of the variance requests and stated 0605-VS-037 is withdrawn.

Spoljaric expressed concern about unattended children at the facility.

Zaher explained the process of security for the children entering the establishment, stating minors will not be admitted without being accompanied by an adult.

A Public Hearing opened at 8:10 p.m.

Mr. Ken Finnes expressed concern about parking, loitering, and the plan to keep children inside.

Mr. Andy Cook spoke of his concern for this use in the US 31 overlay zone.

Mr. Ron Thomas spoke of his concern regarding how US 31 will build out and the location.

The Public Hearing closed at 8:17 p.m.

Mueller stated that Zaher expressed the following to the Board: school age children will not be allowed inside the building without parental control before, during or after school hours. This is required especially to prevent children from crossing busy Highway 31. Care will be taken to prevent this from occurring.

The Board took a five-minute recess.

Miller moved to approve 0605-VS-036 with the following conditions:

1. All entrances to the facility will only be off Market Street: and
2. If a restaurant is developed on site, parking requirements will be met.

Mueller seconded, and the motion passed 4-1 (Wood).

Miller moved to adopt staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

0605-VS-038: 16319 Joliet Road: David and Joan Gall: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(J)-(8) to reduce the road frontage requirement from two hundred and fifty (250') feet to the width of the current easement.

Mr. John Carnell, representing the Galls, presented the details of the variance request.

A Public Hearing opened at 8:47 p.m.

Mr. Rob Paugh spoke in support of the single family residence.

Mr. Steve Cutler spoke in support of the variance.

Ms. Sue Kaplin spoke in support of the variance.

Mr. Andrew Denardo spoke in support of the variance.

Dr. Ginny Kelleher spoke in support of the variance but suggested the petitioner be required to follow the building material standards of the DPR and the lighting ordinance.

The Public Hearing closed at 9:00 p.m.

Wood moved to approve 0605-VS-038 with the following conditions:

1. There will be a joint easement established for access to the parcels; and
2. The drive way will be at least twelve feet wide; and
3. There will only be one curb cut for all the parcels and no further requested; and
4. There will be no further subdivision of the parcel.
5. Parcel will not be further subdivided.

Spoljaric seconded, and the motion passed 5-0.

Miller moved to adopt the staff's findings of fact with the exception to the deleted condition #3.

Mueller seconded, and the motion passed by voice vote.

0605-VS-039: 14647 US 31: GRW Engineering – Simon property: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(J)-(8) to reduce the number of required parking spots from Seventy-five (75) to Fifty-six (56).

Ms. Kristen Clebber, Chick-Fil-A, introduced guests, gave some background on the project and the company, and presented the details of the variance request.

Miller asked if anyone could speak to how this request had been changed from the previous request.

Higgins responded the petitioner is going from 75 parking spaces to 51 parking spaces. He further stated the petitioner got creative with Simon Group and worked out the additional fourteen spaces in the large lot and designated those parking spaces for staff members. Therefore, Higgins stated this variance is for the reduction of parking spaces on site, but the spaces will be available for staff through Simon Group.

Miller requested petitioner present a two-tiered presentation showing how this proposal is substantially different from what was presented previously.

Mr. Thomas Breeden presented details of the revised variance request, which included rearranging handicapped parking.

Wood asked how the public would know these spaces were available for the staff at Chick-Fil-A.

Garvey, Simon Group, responded this has not been discussed as far as marking the spaces, just giving the tenant the benefit of the spots; however, if it would alleviate the concern of the Board, signage or striping can be initiated.

Mueller asked for a brief presentation from the traffic engineer.

Mr. Jim Klosmeyer, Edwards & Kelcey, discussed the traffic flow.

A Public Hearing opened at 9:27 p.m.

Higgins presented five pieces of correspondence in support of Chick-Fil-A.

The Public Hearing closed at 9:29 p.m.

Mueller moved to approve 0605-VS-039

Spoljaric seconded, and the motion passed 3-2 (Miller, Wood).

Mueller moved to approve staff's findings of fact.

Spoljaric seconded, and the motion passed by voice vote.

The meeting adjourned at 9:32 p.m.

Chairman

Secretary